

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Webroot, Inc. and Open Text, Inc.,

Plaintiffs,

v.

Trend Micro, Inc.

Defendant.

**Civil Action No.
6:22-cv-00239-ADA**

JURY TRIAL DEMANDED

Trend Micro, Inc.

Counterclaim-Plaintiff,

v.

Webroot, Inc. and Open Text, Inc.

Counterclaim-Defendants.

CORRECTED NOTICE OF INTENT TO PROCEED WITH VENUE DISCOVERY

Plaintiffs Webroot, Inc. and Open Text, Inc. (“Plaintiffs”) and counter-claim defendant Open Text Corporation (“OTC”) file this Corrected Notice to its prior Notice of Intent to Proceed with Venue Discovery (Dkt. No. 60) to inform all parties and the Court of its intent to proceed with venue discovery in accordance with the Court’s Standing Orders.

On November 11, 2022, despite filing counterclaims for patent infringement against Plaintiffs, Defendant and Counterclaim Plaintiff Trend Micro, Inc. filed a Motion to Transfer to the Northern District of California. Plaintiffs oppose this motion. Pursuant to the Court’s standing orders, venue discovery automatically opens upon the filing of an initial venue motion and shall be completed no later 10 weeks after the filing of such motion. Plaintiffs also note this case is one of five CRSR related cases.

Plaintiffs and OTC hereby provides notice of its intent to proceed with venue discovery and briefing as outlined in the below schedule:

EVENT	DATE/DEADLINE
Motion Filed	November 11, 2022 ¹
Venue Discovery Cut-Off	January 20, 2023
Plaintiffs' Response Brief	February 3, 2023
Trend Micro's Reply Brief	February 17, 2023

DATED: December 8, 2022

Respectfully submitted,

By: /s/ Jeffrey D. Mills

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¹ Trend Micro filed the motion on November 11, 2022 as an “opposed” motion without requesting or engaging in a meet and confer as required by Local Rule CV-7 and without a Certificate of Conference. That motion remains pending. OTI reserves its right to contend this motion is improperly filed. Trend subsequently filed a second motion on November 16, 2022 again without engaging in a meet and confer, but removing the indication that it was “opposed” and adding a Certificate of Conference. The parties did not meet and confer until November 17, 2022.

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CERTIFICATE OF SERVICE

The undersigned certifies that on December 8, 2022, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(b)(1).

/s/ Jeffrey D. Mills
Jeffrey D. Mills